

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION**

LORI OHLSON-TOWNSEND,

Plaintiff,

vs.

ALEC WOLF and
CHEROKEE COUNTY,

Defendants.

No. 18-CV-4093-CJW-MAR

ORDER

This matter is before the Court on plaintiff's oral motion to dismiss her claims for false arrest under Article I, Section 8 of the Iowa Constitution and punitive damages on that claim against defendant Alec Wolf and her corresponding claim for respondeat superior liability against defendant Cherokee County. *See* (Doc. 47). Defendants do not resist.

On January 3, 2020, the Court conducted a telephonic final pretrial conference with the parties. (*Id.*). During that conference, plaintiff stated that she does not intend to pursue her claims under the Iowa Constitution at trial. Plaintiff was aware that, if her claims under Iowa law were dismissed, Cherokee County would be dismissed as a defendant. (*Id.*). After discussing with the parties, the Court treated plaintiff's statement as an oral motion to dismiss her claims under the Iowa Constitution and, thus, dismiss Cherokee County as a defendant. (*Id.*). Due to a lack of resistance, the Court **granted** plaintiff's voluntary motion to dismiss.

Thus plaintiff's claims against Alec Wolf for false arrest under Article I, Section 8 of the Iowa Constitution and punitive damages on that claim are **dismissed**. Plaintiff's

claim for respondeat superior liability under Iowa law against Cherokee County is also **dismissed**.

Plaintiff's claim for respondeat superior liability was her only remaining claim against Cherokee County. *See* (Doc. 31, at 23-24). Thus, the Clerk of Court is directed to **enter judgment** in favor of Cherokee County and to **terminate** Cherokee County as a party to this case.

As a result of this Order, as well as the Court's Order on summary judgment (Doc. 31) and plaintiff's other voluntary dismissal (Doc. 16), plaintiff's only remaining claims for trial are her claims against Alec Wolf for false arrest under Title 42, United States Code, Section 1983 and punitive damages on that claim.

IT IS SO ORDERED this 3rd day of January, 2020.



C.J. Williams
United States District Judge
Northern District of Iowa